

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANTHONY GIBBS,

Petitioner,

v.

UNITED STATES OF AMERICA,

**CASE NO. 2:06-cv-00038
CRIM. NO. 2:95-cr-044(21)
JUDGE SMITH
MAGISTRATE JUDGE KEMP**

Respondent.

OPINION AND ORDER

On January 26, 2006, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings recommending that the instant motion to vacate, set aside, or correct sentence pursuant to 29 U.S.C. §2255 be dismissed as untimely.

Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. This instant §2255 petition is hereby **DISMISSED**.

IT IS SO ORDERED.

\s\ George C. Smith
GEORGE C. SMITH
United States District Judge